IN THE UNITED STATES DISTRICT COURT RECEIVED FOR THE MIDDLE DISTRICT OF ALABAMA (EASTERN DIVISION) 2001 APR 17 A 9: 42

CAROL DAUGHERTY,)	BRA P. HACKETT, C.
Plaintiff,)	U.S. DISTRICT COURT MIDDLE DISTRICT ALA
v.)	
RELIANCE STANDARD LIFE INSURANCE COMPANY)	CIVIL ACTION NO: 3:07-CV-00226-WKW-TFM
Defendant.)	

PLAINTIFF'S RESPONSE IN OPPOSITION TO MOTION OF RELIANCE STANDARD LIFE INSURANCE COMPANY TO DISMISS PLAINTIFF'S COMPLAINT OR IN THE ALTERNATIVE; PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

COMES NOW, Carol Daugherty, by and through her undersigned counsel, and files this Response in opposition to the Motion of Reliance Standard Life Insurance Company to Dismiss Plaintiff's Complaint. In support thereof, Plaintiff avers as follows:

- 1. This lawsuit involves a claim for benefits under a long term disability policy that was issued by Reliance Standard.
- 2. The Plaintiff was not aware that this action was governed by ERISA.
- 3. The Plaintiff did not receive annual copies of the Form 550 which is attached to Defendant's Motion. However; upon review of said Form, Plaintiff would agree with the Defendant that the state action in this case is pre-empted by ERISA.

WHEREFORE, the above premises considered, the Plaintiff respectfully requests that pursuant to Rule 15 of the Federal Rules of Civil Procedure this Honorable Court grant leave for Plaintiff to amend said Complaint.

Respectfully submitted this ______ day of _______

2007

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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing upon Hon. Christopher L. Yeilding, attorney for the Defendant, by mailing it to him at Post Office Box 306, Extmingham, Alabama, 35201-0306 in the United States Mail, postage prepaid, on this the day of April, 2007.

OF COUNSE